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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	Filing Date	First Named Inventor	Atty. Docket No.	Confirmation No.
09/636,448	08/11/2000	ZAPIEC	AEIPT01	9103

Invention	Examiner	Art Unit
PROFESSIONAL TIME TRACKING AND REPORTING SYSTEM	Rudy, Andrew J.	3627

PETITION UNDER 37 CFR 1.181(a)  
FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents  
Washington, D.C. 20231  
Attention: Group Director



Sir:

This is a Petition requesting that the Holding of Abandonment mailed June 2, 2003, be withdrawn, and that the Amendment filed on April 7, 2003 ("Amendment") be considered by the United States Patent & Trademark Office ("Office") as being timely submitted. As set forth below, applicant contends that the application is not in fact abandoned. Pursuant to 37 CFR 1.181(f), this petition is filed within two months of the date of the notice of abandonment.

In response to a November 7, 2002 Office Action, the undersigned counsel submitted the Amendment on April 7, 2003 (See Certificate of Mailing on Transmittal Form). A copy of the Amendment, and accompanying documentation, is annexed hereto. The Amendment was therefore submitted five months after the date of the Action, and two months beyond the shortened statutory period for response.

However, the Amendment included an express "Petition for Extension of Time," which requested only a one-month extension (See Petition for Extension of Time, PTO/SB/22), and payment of the fee for a one-month extension was submitted.

Nevertheless, the Fee Transmittal accompanying the Amendment included a "constructive petition for an extension of time," per 37 CFR 1.136(a)(3), which authorized the Commissioner to charge "any additional fee(s) during the pendency of this application" to the listed deposit account (See FEE TRANSMITTAL, §METHOD OF PAYMENT). Two copies of the FEE TRANSMITTAL were submitted with the Amendment (See Postcard). Thus, the constructive petition covered the additional month.

On June 18, 2003, the undersigned counsel learned, via telephone conversation with Examiner Rudy, that a Holding of Abandonment was mailed on June 2, 2003 for failure to pay the required extension fee. It is clear that the constructive petition for an extension of time was not considered by the Office. Therefore, the holding of abandonment was made due to Office error, is not valid, and should be withdrawn.

Therefore, it is respectfully requested that this petition be granted, in which case the undersigned counsel respectfully requests that the Holding of Abandonment be withdrawn, and the Amendment be considered as timely submitted and entered. Pursuant to MPEP 711.03(c), it is believed that no petition fee is required. However, if such fee is in fact required, please charge the fee to our deposit account, No. 501998, and notify us accordingly.

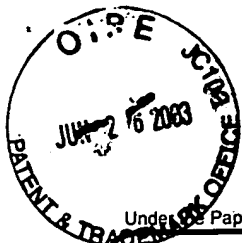
Respectfully submitted,

June 24, 2003

Date

  
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3627

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/636,448	
	Filing Date	08/11/2000	
	First Named Inventor	ZAPIEC	
	Group Art Unit	3627	
	Examiner Name	RUDY	
Total Number of Pages in This Submission	5	Attorney Docket Number	AEIPT01

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

RECEIVED JUN 10 2003 GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	IP STRATEGIES, P.C. George F. Wallace
Signature	<i>George F. Wallace</i>
Date	06/25/2003

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 06/25/2003	
Typed or printed name	Laureen E. Ponder
Signature	<i>Laureen E. Ponder</i>
Date	06/25/2003

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